

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

**PROFESSIONAL FEE MATTERS CONCERNING
THE JACKSON WALKER LAW FIRM**

Misc. No. 23-00645

**THE UNITED STATES TRUSTEE’S EMERGENCY MOTION TO
FILE DOCUMENTS UNDER SEAL**

This motion seeks an order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party. You must file and serve your response within 21 days of the date this was served on you. Your response must state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing. Unless the parties agree otherwise, the court may consider evidence at the hearing and may decide the motion at the hearing.

Represented parties should act through their attorney.

Emergency relief has been requested. If the Court considers the motion on an emergency basis, then you will have less than 21 days to answer. If you object to the requested relief or if you believe that the emergency consideration is not warranted, you should file an immediate response.

Relief is requested on or before 10:00 a.m. on October 4, 2024

**TO THE HONORABLE JUDGE EDUARDO V. RODRIGUEZ,
CHIEF UNITED STATES BANKRUPTCY JUDGE:**

Now comes Kevin M. Epstein, the United States Trustee (“U.S. Trustee”) and moves the Court to file certain documents under seal that have been labeled as “Confidential” by Jackson Walker or must still be treated as “Confidential” pursuant to the *Stipulated Protective Order* [ECF No. 202]. In support of this motion, the U.S. Trustee respectfully states as follows:

1. On July 30, 2024, the Court entered the *Stipulated Protective Order* [ECF No. 202] which provides, in pertinent parts:

- This Order shall govern the use and disclosure of any and all information designated as “CONFIDENTIAL,” as set forth below, in documents (including email), magnetic media, or other tangible things produced by Jackson Walker or in deposition or examination testimony by Jackson Walker, and provided to the United States Trustee in this case.
- All deposition transcripts shall be treated as Confidential Information for a period of 14 days after initial receipt of the transcript unless a shorter period of time is agreed to by the party making the designation.
- If a document designated “CONFIDENTIAL” is used in any court proceeding or otherwise submitted to a court, the document will be filed under seal and will state on the first page that it contains Confidential Information and that said document is lodged or filed under seal. The Parties shall not electronically file or cause to be filed any Confidential Information with a court unless such Confidential Information is filed under seal.

2. Jackson Walker filed a motion on September 18, 2024, [ECF No. 338] stating that “JW . . . designated the entirety of the [Freeman] deposition transcript as “CONFIDENTIAL” under the *Stipulated Protective Order* [ECF No. 202]” and asking the Court for permission to use the transcript without any restrictions. The Court has not ruled on Jackson Walker’s motion.

3. On September 19, 2024, the parties deposed former Judge David R. Jones (“Judge Jones”). The United States Trustee received a transcript of his deposition on September 23, 2024.

4. On September 25, 2024, the U.S. Trustee filed his *Expedited Motion to Quash Subpoenas* (the “Motion to Quash”). [ECF No. 350].

5. On September 26, 2024, the U.S. Trustee filed his *Notice of Subpoena to Elizabeth Miller*. [ECF No. 363]. Ms. Miller is a former legal assistant to Judge Jones, and is therefore subject to the Judiciary Policy, Volume 20, Chapter 8, § 850.

6. The Court has set an evidentiary hearing on Tuesday, October 8, 2024, at 4:00 p.m. to consider the Motion to Quash and whether Ms. Miller's deposition topics are permissible under the Judicial Policy. [ECF No. 365].

7. On October 1, 2024, Jackson Walker produced certain text messages responsive to the U.S. Trustee's discovery requests. All these text messages have been marked "Confidential."

8. Because the documents have either been marked "Confidential" or must still be treated as such under the *Stipulated Protective Order* [ECF No. 202], the U.S. Trustee wishes to file partial transcripts of the depositions of Ms. Freeman and Judge Jones as well as certain text messages with the Court under seal to use as potential exhibits in connection with the hearing on October 8th.

9. Good cause exists as set forth above to authorize the U.S. Trustee to file such documents under seal.

BASIS FOR EMERGENCY RELIEF

10. The hearings on the Motion to Quash and the scope of Ms. Miller's deposition is set for Tuesday, October 8, 2024. The U.S. Trustee believes certain portions of transcripts and text messages produced to the U.S. Trustee on October 1, 2024, may be helpful to the Court when considering the Motion to Quash and the scope of Ms. Miller's deposition. The deadline to file a witness and exhibit list is tomorrow, October 4, 2024 at 12:00 p.m. Accordingly, the U.S. Trustee asks relief before the exhibit deadline and respectfully requests consideration of this Motion on an emergency basis so that he may file such exhibits.

WHEREFORE, the U.S. Trustee, moves the Court for entry of an order authorizing the filing under seal of certain partial transcripts and text messages and for such other and further relief as he may be entitled in law or equity.

[Signature Page Follows]

Date: October 3, 2024

Respectfully Submitted,

KEVIN M. EPSTEIN
UNITED STATES TRUSTEE
REGION 7, SOUTHERN AND WESTERN
DISTRICTS OF TEXAS

By: /s/ Vianey Garza

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CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2024, I emailed a copy of the *United States Trustee's Emergency Motion to File Document Under Seal* upon the following named person(s) on the date indicated below:

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/s/ Vianey Garza

Vianey Garza

CERTIFICATE OF ACCURACY

I certify that the facts set forth in the *United States Trustee's Emergency Motion to File Document Under Seal* are true and correct to the best of my knowledge.

/s/ Vianey Garza

Vianey Garza